

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LAURIE-JO STRATY, TEXAS ALLIANCE §
FOR RETIRED AMERICANS, and BIGTENT §
CREATIVE, §

Plaintiffs, §

v. §

1:20-CV-1015-RP

GREGORY ABBOTT, in his official capacity
as Governor of the State of Texas, and RUTH
HUGHS, in her official capacity as Texas
Secretary of State, §

Defendants. §

ORDER

On October 2, 2020 Plaintiffs Laurie-Jo Straty, Texas Alliance for Retired Americans, and BigTent Creative (“Plaintiffs”) filed their complaint for declaratory and injunctive relief. (Dkt. 1). On October 5, 2020, Plaintiffs filed their motion for a temporary restraining order and preliminary injunction. (Mot. TRO, Dkt. 9). The Court now orders the consolidation of the hearing on Plaintiffs’ motion for a temporary restraining order and preliminary injunction with the pending Amended Motion for Temporary Restraining Order and/or Preliminary Injunction, (Case No. 1:20-cv-1006, Mot. TRO, Dkt. 20), in *Texas League of United Latin American Citizens v. Abbott*, 1:20-CV-1006-RP (W.D. Tex. Filed Oct. 5, 2020). The Court has set a preliminary injunction hearing in Cause No. 1:20-cv-1006-RP for October 8, 2020 at 1:00 p.m. (Case No. 1:20-cv-1006, Order, Dkt. 23).

Federal Rule of Civil Procedure 42(a) permits a district court to consolidate “actions before the court involv[ing] a common question of law or fact.” District courts have broad discretion in determining whether to consolidate cases. *See Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761–62 (5th Cir. 1989). Consolidation is proper when it will avoid unnecessary costs or delay without prejudicing the rights of the parties. *See id.; St. Bernard Gen. Hosp., Inc. v. Hosp. Serv. Ass’n of New Orleans, Inc.*, 712 F.2d 978, 989 (5th Cir. 1983). Given the substantial overlap in factual allegations and legal principles

between Cause Nos. 1:20-cv-1006 and 1:20-cv-1015, the Court finds that consolidation is proper for the limited purposes of the preliminary injunction hearing.

IT IS THEREFORE ORDERED that this action is consolidated with and into Cause No. 1:20-CV-1006-RP, which will be the lead case, for the limited purpose of resolving the pending motions for preliminary injunction; this action will be the member case for the purposes of the preliminary injunction hearing on October 8, 2020. This consolidation order is effective until the parties' motions for preliminary injunction are resolved.

SIGNED on October 6, 2020.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE